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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 **JAMES G. GARCIA,**

16 Plaintiff,

17 v.

18 **BEN CURRY, Warden, et al.,**

19 Defendants.

C 07-6262 CRB (PR)

**DEFENDANTS' WAIVER OF
REPLY AND DEMAND FOR
JURY TRIAL**

21 **WAIVER OF REPLY**

22 Defendants A. Tucker, B. Curry, V. Khan, D. N. McCall, and A. E. Roberts waive their
23 right to reply to Plaintiff's complaint, and plan to file a responsive motion within ninety days of
24 the Court's order screening the complaint under 28 U.S.C. § 1915A. (Order Service, April 18,
25 2008). Under the Prison Litigation Reform Act, a defendant in a prisoner suit may waive the
26 right to reply without admitting the complaint's allegations. 42 U.S.C. § 1997(e)(g). The court
27 may not grant the plaintiff any relief unless a reply has been filed. *Id.* And the court may order a
28 defendant to file a reply only "if it finds that the plaintiff has a reasonable opportunity to prevail

Defs.' Waiver Reply & Demand Jury Trial

J. G. Garcia v. B. Curry, et al.
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1 on the merits.” *Id.*

2 **DEMAND FOR JURY TRIAL**

3 Defendants A. Tucker, B. Curry, V. Khan, D. N. McCall, and A. E. Roberts
4 demand a trial by jury in this case.

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6 Dated: June 30, 2008

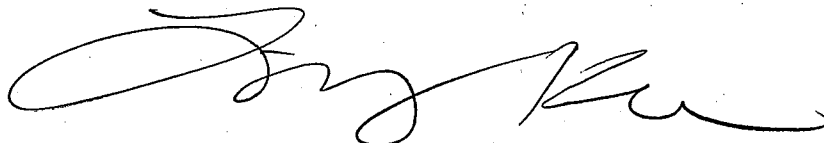
7 Respectfully submitted,

8 EDMUND G. BROWN JR.
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **J. G. Garcia v. B. Curry, et al.**

No.: **C 07-6262 CRB (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 30, 2008, I served the attached

DEFENDANTS' WAIVER OF REPLY AND DEMAND FOR JURY TRIAL

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

James G. Garcia, K-26584
Ironwood State Prison
P.O. Box 2229
Blythe, CA 92226
Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 30, 2008, at San Francisco, California.

T. Oakes

Declarant

/s/ T. Oakes

Signature